

**STATE COMMITTEE OF INTERPRETERS  
EMBASSY SUITES HOTEL  
901 North First  
St Louis, Missouri**

**June 20, 2003 – Open Minutes**

The open session of the State Committee of Interpreters was called to order at 9:15am by Loretto Durham, Chair, at 9:15am at the Embassy Suites Hotel, 901 North First Street, St Louis, Missouri.

**Members Present:**

Loretto Durham  
Kim McEnulty  
John Adams  
Sandy Drummond  
Lisa Guillory

**Members Absent:**

Carrie McCray

**Staff Present:**

Pam Groose, Executive Director  
Roxy Brockman, Clerk IV  
Shannon Hamilton, Assistant Attorney General  
Bridget Bange, Contract Interpreter  
Maria Bunster, Contract Interpreter

**Visitors:**

Dan Betzler, SLCCFV/BCI  
Susen McBeth, Paraquad  
Patti Gray, SSD  
Roy Miller, MCDHH  
Amy Fowler, MCDHH  
Kandice Allee, MCDHH

Ms. Drummond volunteered to act as secretary in Ms. McCray's absence.

**Review and Approval of Agenda**

A motion was made by Dr. Guillory and seconded by Mr. Adams to approve the open agenda. All approved.

**Review and Approval of Open Minutes**

A motion was made by Mr. Adams and seconded by Ms. Drummond to approve the open minutes from the March 26, 2003 meeting as amended. All approved.

A motion was made by Dr. Guillory and seconded by Mr. Adams to approve the open minutes from the April 24, 2003 meeting as submitted. All approved.

## **Election of Officers**

A motion was made by Ms. Drummond and seconded by Dr. Guillory to nominate Loretto Durham as chair. A motion was made by Ms. Drummond and seconded by Mr. Adams to accept Ms. Durham by acclamation. All approved.

A motion was made by Mr. Adams and seconded by Dr. Guillory to nominate Ms. Drummond as secretary. All approved. There were no other nominations and Ms. Drummond will assume the duties of secretary by acclamation.

## **Rules**

-4 CSR 232-3.010 (rule 3) – Ms. Goose reported that this rule became effective May 30, 2003.

-4 CSR 232-1.035 -- Ms. Goose indicated that this was the rule change that requires interpreters to respond to the committee. She said it was submitted to the division and the division has suggested additional wording to the language proposed by the committee. Specifically, the division had suggested that the words "without just cause" be added to the proposed amendment. Ms. Hamilton said she thought there might be another way to address the Division's concern without using such a broad term, because she did not think adding the words "without just cause" would sufficiently take care of the Division's concern that the committee doesn't have direct authority to discipline. She said instead of the phrase "will be sufficient grounds for taking disciplinary action" maybe the Division would be more comfortable with "will be sufficient grounds for causing a complaint to be filed because it is a violation," or worded in some similar way. She said because it is a violation of a rule and in 209.321 the committee has the authority to cause a complaint to be filed for violation of a rule. Ms. Goose asked the committee members if the last sentence of the proposed language was removed and submitted, would it be acceptable to them. They indicated this would be acceptable. Ms. Goose also asked the committee members if they would feel comfortable if she and Ms. Hamilton worked with the division in coming to an agreement for acceptable language as long as the intent of the proposed rule was not changed. After further discussion a motion was made by Ms. Drummond and seconded by Mr. Adams to allow Ms. Goose and Ms. Hamilton to work with the division in coming to an agreement for acceptable language as long as it the intent of the proposed rule is not change. All approved.

## **Report of MCDHH and/or BCI Meetings**

- BCI meeting

Ms. Drummond indicated that she did attend the BCI meeting but was only able to observe the presentations by representatives from Special School District and from the Missouri Council on Administrators in Special Ed (MOCASE) regarding the requisite skill level standard and how that's going to affect educational interpreters. She said she had copies of letters that both organizations submitted to the BCI and that she would give them to Pam in case anyone would like a copy of the letters. Ms. Drummond said the rest of the day was spent in closed session.

Dr. Miller indicated that the BCI meeting was in closed session for most of the day but that there was only one business of real significance and that was the change in policy regarding the RCEDs. Dr. Miller said there was concern among the educational interpreting community about what would happen on July 1<sup>st</sup> if some of them don't have a level 3 or higher. He said one of the things the BCI did in response to that expression of concern was to adopt a new policy about RCED certification. He said in the past it had been the policy that when an interpreter came in to their office, they had tell MCDHH before they took the test, if they wanted an RCED or a test scoring MICS certification. He said if they didn't tell them they wanted the RCED and they got a score on the MICS, for example a 3/2 but they did not tell MCDHH before hand that they wanted an RCED, then they would have been given an MICS level 2 certification. He said that has been the policy since MCDHH started testing. He indicated that those people who may have scored a 3/2, 3/1, 4/2, or whatever, and if they had told MCDHH at the time that they wanted an RCED before they tested, they would have been given an RCED because they had a 4 or a 3 at one skill or the other. He said the BCI agreed to go back through all of the files of all those who had ever tested and if they found any person who had scored a 3 and more, a 4 and more, or a 5 and more conceptually, that MCDHH would automatically give them the RCED now in the skill that they had the highest score when they tested. He said they have looked through all of the files and found 18 interpreters that would

be getting an RCED before July 1, 2003. He said that in the future a certification will be issued based upon the scores achieved during testing.

During further discussion it was determined that it was possible for someone to hold 2 certifications and Ms. Goose said this would not present a problem with the licensing system. She said that during renewal SCI staff would verify with MCDHH the status of both certifications prior to renewal of the license.

Dr. Miller verified to the committee members that the topics of apprenticeship and the definition of interpreting were not discussed at the last meeting and that he would request these items be placed on the next agenda.

- *SCI Town Hall meeting, June 19, 2003*

Mr. Adams reported said that the feedback/evaluation forms basically showed good results with better publicity being a concern for improvement. Mr. Adams reported that he sent out flyers to school districts, interpreters, a couple of agencies who use interpreters and have a lot of deaf clients, it was on the MCDHH Current Events calendar, the RTR St Louis calendar, it was on the MO Deaf calendar, and it was sent out on e-mail lists. He said he did not know how we could improve on publicity for the Kansas City meeting. This was further discussed and it was decided that staff would send a flyer to each licensed interpreter located in the Kansas City area and to those licensed interpreters who had a Kansas City Kansas area address. Ms. Goose verified that the next town hall meeting would be held on Monday, August 4, 2003 from 7:00pm – 9:00pm and the next board meeting would be on Tuesday, August 5, 2003 at the Adams Mark Hotel in Kansas City, Missouri. Mr. Adams indicated that he would apply for the CEUs with MCDHH and RID. Ms. McEnulty indicated she would be willing to post the information about the upcoming town hall meeting through any list serves that she has access to that service the Kansas City area.

### **Report from Executive Director**

- Renewals – Ms. Goose reported that 496 renewals were mailed earlier this year and that as of June 10, 2003 478 licensees have renewed their licenses and there were 54 licensees who did not renew their licenses.
- Newsletter – Ms. Goose indicated she had a copy of the latest draft of the newsletter and it was passed around for their review.
- Financial Report – A copy of the April 2003 financial report was included for their information and review.
- Legislative Report -- Ms. Goose said that HB564 did not pass and that her deadline for submission of language for the next legislative session is July 15, 2003 and she will resubmit the same language that was submitted before. She said one piece of legislation that was passed would require prior to the renewal applications being mailed out that a check be made with the Department of Revenue to determine that the licensee has filed their state income tax for the past three years. Licensees that are identified as not having filed their state income tax will not be sent a renewal application, but will receive a letter from the Department of Revenue giving them 90 days to comply or their license will be automatically revoked.

### **Exemption Language**

*Student -- The following is a comprehensive reporting of the discussion in regard to student exemption language.*

Ms. Durham - I had a question about “such training program must lead to a degree in interpreting at an accredited institution of higher education” – that to me sounds like they’re getting a degree to interpret only in colleges.

Mr. Adams – maybe just change “at” to “from”.

Ms. Durham – There you go. I kept trying to think how do you change it because...

Mr. Adams – It makes sense to me but I see your point.

Ms. Drummond – Is it redundant, that sentence?

Ms. Durham – It seems to me because we have that information included in the sentence before.

Ms. McEnulty - My concern with the “such training program must lead to a degree in interpreting.” Now, I don’t know that that’s necessarily always true and I’m thinking about Maplewood’s because I think a student can go through the program, get all the required courses, maybe be lacking electives or English 101 or whatever it is that’s required, and have all the required interpreter training, go and certify, and not have the degree.

Mr. Adams – But that’s not how I’m reading this sentence. We’re just saying the eventual goal of the training program must be a degree. Now if that person goes to the Y and takes a couple of sign language classes, does that lead to a degree?

Ms. McEnulty -Oh, okay, so I’m reading it a little bit different then...

Ms. Goose – This is the training program...

Ms. McEnulty - ...must offer a degree in interpreting...

Ms. Goose - Right, which means that it’s an organized educational setting.

Ms. McEnulty - Got it. I just kind of read that a little differently then. The “must lead to” a degree....

Ms. Durham – The training program must lead to a degree and Maplewoods’ goal is a degree. So....

Ms. McEnulty – I understand.

Ms. Hamilton – Could we say “offer a degree”? Does that mean the same thing? Because I think that probably is a better choice of words, part of the questions, when I included this as issues to be addressed, part of it is probably my lack of understanding of the intricacies of an ITP program. I don’t know exactly how those are set up so I wanted to pose some questions just reading the statute as a lay person, how that might be interpreted and see if you all could clarify if we were to say “such training program must offer a degree in interpreting from an accredited institution of higher education” – does that mean what you want it to mean?

Ms. Drummond – Well, and I have a question about that because I know that there are other interpreter training programs in other places, I don’t know that Missouri has any, that don’t offer degrees they offer certificates. There are classes being offered at Southwest Missouri State University and Ozark Technical College, but I don’t know if those programs lead to a degree or if they lead to a certificate, if they even offer practicum classes, I don’t know, and if they did would we want them to be considered exempt under this, that sort of thing. And if they don’t offer practicum courses and yet they’re enrolled in classes at SMSU or OTC, does that mean that they’re exempt and they can go out and interpret? So that’s probably something that we should take a look at too.

Ms. Hamilton - It would actually mean that they’re not exempt because you’re exempting these students, so if you have a school that falls outside the definition of this, it means that those students are going to be required to be licensed and they’re not going to fall within this exemption.

Ms. McEnulty - Because it’s a program that doesn’t offer a degree?

Ms. Hamilton – Right.

Dan Betzler – First of all, we found that those students that tried to go through the program without obtaining the English and the other things required, do not make good interpreters, even if they went through the program. We found that they needed the equivalent in English and many of them do need the English training, sometimes have deficits in that area, so we do not recommend or we do not send letters of recommendation for those students who have only done the work in the training program itself, but

rather have the entire degree. So we will not recommend a student who has just come and taken the sign language courses, they must have the entire degree for us to feel strongly about recommending them. Secondly, I think most of the problems in regards to certification are going to be through MCDHH because they're going to have to – as it states in there – have their intern practicum certification from MCDHH so they're going to be the ones who are going to say whether or not – do you know what I'm saying...in the way that it's worded....

Ms. Drummond - They have to have the IPC...

Dan Betzler– uh-hu, so Amy would be giving them a temporary certification during the practicum time period. Does that make sense? So I didn't know whether, you know ...well that was in the... I guess that was in the....

Ms. Goose - ...no, no, no...

Ms. Drummond – ...we had that in number four but it is not in there now...

Ms. Goose – ...yeah, this is the most recent so it is not in there....

Ms. Drummond – ...So we need to put that back in there...

Dan Betzler – Okay. Because that would eliminate your problems for those programs that might not be a certificate program in only language, because we have a certificate program in only language that's not recognized as an interpreter training program, they couldn't go through a practicum or get....

Ms. Goose – It was taken out because you didn't care whether they had something issued from them because we were not going to issue anything because we are going to exempt them.

Ms. Hamilton - It was taken out because there was – I'm sorry I was speaking with her and I might have missed what you just said because of that whole comprehensive, that whole level and – is that what you were just saying?

Ms. Goose – I said it was taken out because we don't care what they're issued because they are exempt....

Ms. McEnulty -- ...From licensure...

Dan Betzler -- ...I see...

Ms. Goose - ...We took it out because we didn't want to license them and get into that...

Ms. McEnulty - ...That's right. That's right...

Dan Betzler – Anyway I just wanted to address the need for English that we felt....

Ms. Goose – I have a copy of the motion that was made and it did not include that.

Ms. McEnulty - So basically if we put it back in...the intern practicum certification then that kind of leads us to having to give a license, because they have a certification? Is that what that would say then if we put it back in?

Ms. Hamilton - Well what you're doing is regulating within the purview of MCDHH because you're saying persons holding a certification issued by the Board shall not practice interpreting in a setting required by...you're not talking about licensing there - you're talking about their certification. I don't recall that's the reason we took it out but looking at it right now.. I see that... I don't think that we have the authority to enact a statute because their certification. I mean we can say to some extent you need certification for licensing but all this is saying is – this is just talking about certification.

Ms. McEnulty -- I see what you're saying.

Ms. Goose – ... and this is exempting from licensure, so we don't... Okay so back to the question of degree or certification.

Ms. Durham - Are those places that you mentioned accredited institutions?

Ms. Goose – Yes.

Ms. Drummond - They're accredited, yes.

Ms. Goose – They would fall under the accredited institution of higher education and so you could fix it easily, just “must lead to a degree/certification” if that's what you think that...

Ms. Drummond -Well that's the concern I have is I don't know what a certificate program looks like. I know what a degree program looks like, there are some commonalities there as far as how many hours of sign language you take or how many hours of interpreting you take, and in fact there's usually a practicum or internship at the end. I don't know what a certificate program looks like and why someone would decide to offer a certificate rather than a degree. I don't know. Do you, Dan?

Ms. Goose – Are you just like speculating that they may not be issuing a degree at OTC?

Ms. Drummond - I don't think that's an issue...well, in the past I know that SMSU was offering a series of sign language courses, there was talk about setting up interpreting courses but it was all offered like through the continuing education department, it was not a degree program it was like an evening program for adults...

Ms. Goose – So, then you don't want them included?

Ms. Drummond – Right.

Ms. Goose – ...but OTC ...

Ms. Drummond -- ...I don't know what they're program looks like, I've seen an advertisement...

Ms. Goose - ...We saw the flyer but I don't recall what it said.

Amy Fowler --- Dan might be able to better clarify about OTC better but I'm not sure but my understanding from OTC is that they're a deaf ministry program, there are some interpreters that do come out of that program because they get into the degree of deaf ministry, I do know that they have the option to take, when they're finished, I'm not exactly sure what Mary Alice Gardner teaches, though, as far as her program, I'm not sure that it's – I know they have a deaf ministry program there and they do teach sign language classes and they do encourage people to become interpreters after leaving that program, it's not an interpreter training program...

Ms. Drummond - Is Mary Gardner at Ozarks Technical College?

Amy Fowler – Yes and she...

Ms. Drummond -- ...I thought she was like at Ozark Christian College or something in Joplin....

Amy Fowler -- ...Okay. I'm sorry, Ozark Christian College, I thought that's what you were talking about....

Ms. Drummond -- ...I think they're different places....

Ms. Goose – Yes. Those are two totally different places – one's in Springfield, one's in Joplin.

Amy Fowler -- Part of their class work is actually doing some interpreting work, she's tried to get interpreter certificates or interim practicum certificates for her students but she doesn't fall in our rules because it's not an accredited interpreter training program in our rules to allow for an interim practicum certificate, neither is SMSU. But when her student finish whatever her program is called they have the option to take our written test for certification as her final, so some of her students do take our written test as their final and anyone can take our written test and if they pass it they can move on, she just tries to encourage people to get certified if they have sign language skills and if she thinks they might be a good person as an interpreter. At SMSU they do teach sign language classes there but I don't know that their course is for interpreters...

Ms. Goose – So it sounds like that that's exactly what you want, lead to a degree, and not mess with it.

Dan Betzler -- There's a lot of post-secondary educational systems recognizing American Sign Language as a foreign language requirement or second language requirement, we used to have many students come into our conversational sign language classes in the summer, and so we eliminated it because we really felt like it was not a 100 level class in language, it was a conversational class. And some of the other campuses do offer it but we did not want it to transfer to a university as an equivalent to a second language because we did not feel it follows the English structure, so we did not feel that it was equivalent to a second language. I think that's what we're seeing in some of the universities, is that they're recognizing it as a second language and so students are taking that as an elective, I don't know if they're leading to an actual degree in that area because they don't of an interpreter degree in a 4 year other than William Woods in the state of Missouri. We are going to see a lot more of these classes spring up in these colleges and universities because I believe – my understanding is – legally it would be based on the college and university, whether or not they would recognize it as a second language, so if the college does recognize it they were coming to us during the summer and taking a conversational class which was not equivalent to an ASL type class, so we just eliminated it from being offered any more, because of that. We have a certificate in the language, so it doesn't ... it is not an interpreters certificate, it is a one year certificate in American Sign Language which requires two American Sign Language and deaf culture classes, it does not have any interpreting in it at all and I know Concordia would probably be similar in the St Louis area to where they have it that they don't have a practicum they don't have coursework ... in interpreting as well.

Ms. Drummond – I have a comment about the way this is currently written, it doesn't specifically mention practicum, and so it would be very general as far as any type of interpreting the student did throughout the course of their program, would be exempted as long as it was part of a supervised course of study, so that would take care of the silliness as far as the definition of interpreting and it's illegal to interpret in an interpreting class. But that was my concern that students taking classes in a certificate program, I have seen certificate programs and seen the course list for a certificate program which is identical to a degree program, but for some reason that college didn't have a something – I don't know – that led to a degree program, I don't know if it was – they didn't have accreditation from one of those regional accreditation agencies, like the North Central Accreditation Agency, I think that's the problem with Ozark Christian College, is they don't have that NCAA accreditation, SMSU would or they would have something similar to that if they didn't have that. So yeah, I think the idea of not leading to a degree program, to me that's sufficient, if there's a program that comes along later we can take a look at it later but I think I feel that it's important to keep that in there.

Amy Fowler – Are you just trying to exempt...by creating this, are you trying to exempt students that have interim practicum certificate from our office?

Ms. Durham - We also had concerns because technically students that were working in a class room and they were interpreting, were doing it illegally because they didn't have a license and they were really interpreting, so we wanted to address all of that.

Ms. Goose – Does that answer your question?

Amy Fowler – Yes.

Mr. Adams -- Part of my concern about the certificate programs is from what I've seen of the various degree program and then that same program will offer just a certificate is they don't offer the full course work, and/or if a college only offers a certificate program it's because you're not doing the work, enough work to get a degree and it's not approved for a degree. So there's going to be work and learning missing out of that program so therefore you only get the certificate. You've learned enough and here -- you've done the coursework, here's a little piece of paper that says you've done it -- but you didn't do it all, so to put down a certificate program, maybe they don't study interpreting practices, they only study the language and deaf culture and they get a certificate like the one year certificate from Flo Valley. If we add "or certificate program" then that opens up those people from a one year program and that's some people that have taken just one or two classes and they think, 'oh well I can do your job' and I think 'go ahead, come on let's see ya' -- for them to think 'yeah maybe I can do this and I'll go out and I'll start interpreting because I'm a student interpreter and I'm in this program' but...

Ms. Durham - But that wouldn't be supervised so it wouldn't fall under this anyway.

Dan Betzler -- That wouldn't be supervised and we don't advocate that they then interpret in church, which is another one of your issues coming up, until they're in intern practicum. Some of them feel that because they've worked with their church or their congregation that they can do that, but it becomes this hit and miss kind of thing and it's -- I've seen it -- and it's really not appropriate for them to be interpreting at services so, it would not be something that we would advocate so it wouldn't be supervised under our faculty....

Ms. McEnulty -- a concern or question that I have is the sentence where it says "which has been accredited by a certifying agency and approved by the committee". Does that mean that we have to have a list of the institutions that we approve....okay....

Ms. Drummond -- And my understanding is when we do that, eventually, by rule -- is that correct? After this statute change?

Ms. Hamilton -- You could do it by rule, I think also there have been other -- I think you and I spoke about this once -- there have been other situations where you have the approved by committee language and you've just voted at a meeting to adopt those as part of your...

Ms. Goose -- You put it in your rule and then there's...one drops or one adds...then you can't...it can be a matter of policy accepted in the minutes, this is the list.

Ms. Hamilton - So I guess the first question is, kind of nailing this down, is do you want to -- as it stands now and if I am understanding correctly you don't want to include those certificate programs within this exemption, then the way that it reads is that an institute of higher learning, if they offer a degree in interpreting, and that person is engaged in that process of getting a degree, that person will be exempted during their student practicum.

Mr. Adams -- The change I kind of put down, Shannon, based on our conversation was that the sentence would read "such training program must offer a degree in interpreting from an accredited institution of higher education" -- is that correct?

Ms. Hamilton - Yes

Mr. Adams -- I hope I said that clearly enough for you Roxy.

Dr Miller -- Can I ask a question, Lo? The language must have a degree in interpreting bothers me. Every university gives degrees and on a piece of paper they say different things, for example Maplewood's piece of paper may say you've got a Associate of Arts in Communication Sciences -- I don't know what it says, it might say that. Florissant Valleys may say you've got an Associate of Arts degree in Interpreting and somebody else's might say you've got an Associate Art's degree in Deaf Studies, but the whole ITP programs, when they use the language "any interpreting", is that limiting you, by rule, to only those programs that on paper have the word interpreting, because I'm not sure who does and doesn't have that word.



Mr. Betzler -In general I think there are other degrees, like art degrees – fine art degrees – that may have like computer art, may have graphic design, may have – and some of them do have sub-titles to them – our deaf communication studies program does say Deaf Communication Studies/Interpreter Education program, so there is interpreting in there it was added later, because of that very thing, many things we're recognizing the word "interpreting" and the actual – so it used to be just "deaf communication studies" and then through the progression of time and the profession we added "interpreter education program". That might be something to look into but a lot of other degrees, if you have a degree in history, you can have other sub-topics underneath it, for example my degree is in communications, one of my degrees, and then theatre so, but it would be considered communications, the only degree given.

Ms. Hamilton -- Part of this is going to be resolved – I mean – when you read the statute it says "which has been accredited by a certified agency and approved by the committee." You go on to say, it could also read, "and also the training program must offer a degree in interpreting from an accredited higher institution." You all are going to know what institutions – practically – even if it doesn't say interpreting on the certificate or on the degree, you're going to know what schools offer an interpreting certificate, so when you approve those...

Ms. Durham -- So is it redundant, do we need that? Do we need that second sentence that says it's going to lead to a degree, because we're only going to have a list of the accredited institutions that do offer a degree.

Ms. Goose -- You better put it in there because if you don't have that "leading to the degree" in there, then OTC is going to say 'we are in an accredited institution of higher education'.

Ms. Durham - And do we have to tell them why we didn't approve them? I mean wouldn't that fix it?

Ms. Goose -- Then what you're going to have to do is define by rule, what you want to see in an ITP and you're going to be looking at curriculum from all these other – I mean – it's too easy to just say "to lead to the degree".

Ms. Hamilton -- I think you are probably going to have to answer to some institutions if you don't approve them or you don't approve their student exemptions, they're going to come to you and say, 'why, why weren't we approved by the committee?' I agree with Pam that in putting in the "offer a degree" you're weeding some of those out they know when they read the statute why they weren't approved by the committee, it's not going to eliminate all the questions but it will eliminate some, I think. It will keep some people from coming to you and saying, 'why aren't we approved?'

Mr. Adams - Also to address the degree in interpreting, if it was that interpreting was spelled with a capital I in quotation marks, then that is what has to be on the degree. But because it's lower case i and no quotes, then it's general, in interpreting, meaning DCS, meaning deaf studies, meaning interpreter training program, the basic focus is interpreting and if someone wants to know what we mean by interpreting they can look at the definitions, and okay, does this program lead to fit this definition, yes or no, and if not then okay it doesn't fit, but that's why if we change to capital I in quotes, "Interpreting" then that's what the degree itself must say, apparently, so I think it's just a question of semantics.

Ms. Hamilton - So as I have it now I have "such training program must offer a degree in interpreting from an accredited institution of higher education." Would you like to leave that or modify it or ...

Ms. McEnulty - I like that but sentence before says 'created by a certifying agency and anything from an accredited institution' – is that redundant to say 'interpreter training program approved by the committee. Such training programs must offer a degree in interpreting from an accredited'...

Ms. Hamilton -Does 'accredited by a certifying agency' is that the same thing as just accredited? If you say accredited does everyone know that....

Ms. Drummond – Not necessarily, no. That's language taken from a lot of the other professions because some of the other professions have several accreditation agencies that review the specific degree

program, it's not in just the college's accreditation for general academics. Right now we don't have anything like that but at some point we may, we may have more than one and we may say 'this one's good that one's not' we may want to vote on which ones we want to have accreditations from and which ones we don't. At this point we don't have anything like that.

Dan Betzler – In the past we've just had private individuals who were able to – as a representative of – whatever organization, RIPD or NAD or whatever, would come and look at your program and review and see whether it met the requirements of that organization, but it wasn't -- they'd just say this is how we'd modify it and give you recommendations, you can or can not do those recommendations but if you want to make sure you're under those organizations guidelines, eventually we are going to have accreditation and I know the Conference of Interpreter Trainers has talked about different places and then it's going to come down to the almighty dollar in regards to how much money the higher education is going to put forth to have that accreditation. Eventually we will have it but right now through NCA that's it in regards to for in regards to accreditation, but the program itself is not, we've had people look at it, we've had things recommended and modified but they don't give you that kind of thing saying, 'you have RID accreditation'.

Ms. Drummond - I know some of the other degree programs will have that, like the social work department will have their own separate accreditation and they have to have that in order for their students to go on and get licensed for their practicum or their first initial license and right now there's nothing like that for interpreters but at some point there might be.

Ms. Hamilton - So what you're saying in the first portion is just that the ITP needs to be accredited by a certifying agency and it has to be approved by the committee. The second sentence is just going on to say the ITP has to offer the degree from an accredited institution of higher learning. You probably could take out "accredited" and just say "institution of higher learning" but I don't think it hurts anything to have it in there.

Ms. Durham - So then are we okay with it as it is?

Ms. McEnulty - Did you want some of these questions answered, Shannon? On number two... I think we have one kind of answered and taken care of, right?

Mr. Adams – Well, we have one of our rules, is that an interpreter will present their certification and licensure to the consumer when they arrive on the assignment, and so a student must do that also, they will have to say 'I'm not certified, I'm not licensed, I'm a student' and they have to know that before-hand and most consumers know that they're getting a student before. You know they're not going to walk into the doctor's office and have a student there, they know that when they go to this neighborhood festival they've asked a student interpreter to come for that or student interpreters will be there for that.

Ms. McEnulty - Right, that would be set up through the college anyway, these activities and assignments.

Mr. Adams - And the students will have either name tags or piece of paper saying 'I'm a student, please give me feedback, please know that I'm a student, there's professionals here somewhere else if you would prefer them.

Ms. Hamilton -- Through the school but you want to leave that to the school to take care of, like that was really the meaning of my question when you say 'doesn't name themselves as a student or practicum student' what duties do you want to impose on a student themselves.

Ms. Drummond -- Right now in the consumer welfare, the section that follow the code of ethical conduct, there's a requirement to disclose, to say 'I am a certain level' but if we exempt students they're not required to disclose, is that right? They don't have to say 'I'm a student'?

Ms. Hamilton -- Here's the thing, you exempt students from licensure and they don't have a license so when they don't do whatever it is, there's nothing to punish. You can't punish them, you can't say 'well now you're no longer exempt you have to get a license' – so imposing affirmative duties on them is kind of – it's there – but it's not necessarily something that has teeth, I don't think. They're not bound,

necessarily by those rules unless they're engaging in interpreting or saying they are, but we're exempting them anyway.

Dan Betzler -- Can you put any kind of rules on the institution itself? You know what I'm saying? Like in regards to under the supervision disclosure has to be – or anything like that, in regards to the supervising body? Only because I know what I presented in regards to what our practicum students did and we talked about disclosure, it seemed like some of the other people who are involved in interpreter training programs thought it was a good idea to disclose – they just thought we had name tags and we did all these things that they did not think of prior to, so I thought maybe it might be a good idea to – our understanding prior to this was the supervising was responsible for the students and their behavior, and where they went, and what they did, so part of it was the learning process and part of it was to make sure that our license wasn't at risk as to where they went and what they did and that they disclosed throughout the entire – because from my understanding prior was that because as the instructor, my license would be the one that would be in question if they were in compromising positions, and that's the way I've always taught the course. The responsibility was left on me in regards to if their behavior was inappropriate or outside of what it should have been, if that makes sense.

Ms. Hamilton - Yeah, these questions that I put down here, these were just things for you all to think about and I think it's perfectly acceptable if you want to leave it to the schools to insure that the students are following the ethical guidelines and disclosing their status, you've reiterated it in this rule, like I said these things are just for you all to think about how you want to handle it, whether you want to try to impose some on the student, or if you want to leave it to the institutions to take care of.

Dan Betzler - They actually told me, again this is my understanding that it was my personal license, I mean, because you don't do anything to institutions in general that I'm the one who is licensed and I'm the one who's coordinating this class, so my license would be the one at risk if the students behaved themselves inappropriately.

Ms. McEnulty - What if you're still instructing and you let your certification lapse because if you don't need it any more, you're not going to interpret, you are just going to teach?

Dan Betzler -Oh I don't think they keep it...I don't....I understand what you're saying.

Ms. Goose – The training program should have a requirement that all instructors maintain a current certification and license.

Ms. Drummond - I think the definition of an interpreter instructor has something in there too.

Dan Betzler - I don't know if it was myself or the coordinator of the program who was the one that was actually responsible for the practicum – I think it's the coordinator of the program actually because they're the ones that sign off on the intern certificate and they sign when in doing with that signature saying that that person will be – so I think it actually is coordinator but, I mean I knew unemployment was around the corner but...

Ms. Goose - And that's the same in many other professions when they supervise students or whatever, the person who is licensed is signing, that's the person responsible...

Ms. McEnulty – Correct but what if that person isn't licensed or certified, what if they've been an interpreter for many years but 'I don't need it right now I've got this great full time job at the college, I have all my skills, all my backgrounds, all my education, all my training but I'm not going to interpret anymore so therefore I don't need this' and then what happens? See what I'm saying?

Dan Betzler - So you don't have any – yeah I see what you're saying.

Ms. McEnulty - Then you wouldn't have the credentials.....

Ms. Goose – ...And so the training programs don't control whether or not the supervisor is licensed or not?

Mr. Betzler - Well what they would do is probably, before that person was hired, certainly they would ask that they have a certain level of certification, they be licensed in the state of Missouri, and have whatever education would be required for running the program. What she's saying is, so they've done the job for 10 years – they're not interpreting any more in the field – they're focus is on training interpreters and so therefore they feel why should they keep their license up, I don't know...

Ms. Goose - ...Because they're training students to become interpreters that's why and that should be – the Interpreter Training Program – I don't care if the person is hired and worked there for 20 years, every year they should be checking those licenses to make certain that those instructors are currently licensed.

Dr. Guillory -- Well and that's why – the reason you don't have that is because you don't have a certifying agency, professional agency, certifying your program because if you did they would require that every single instructor have a license.

Ms. McEnulty - So we're not worried that's a concern.

Mr. Adams – Personally, I'm not.

Dan Betzler - So I don't know of any programs at this point, but I mean we certainly have that issue in regards to the deaf instructors, in regards to certification -- the deaf instructors and that's going to eventually be an issue in regards to both the state and so we only have one that's certified under ASLTA at this point and we're working to get the others under ASLTA certified and so it's just an on-going – I think part of that is where we are in the profession, the age of the profession and those things but I think eventually it's going to be there and I don't see the college would give it's blessing to someone who didn't have a current license and certification. Even in teaching.

Amy Fowler - If the point is for a student to finish the program to be certified and licensed, could you deny a license to somebody if they had a complaint about their working as a student instead of pulling Dan's license from him or disciplining him, couldn't you deny the right for them to have a license if you're exempting them and there's stipulations that you're giving them as an exemption, but if they know that they're not going to get a license or they know that after they do get certified they're going to be on probationary period before they can get a license.

Ms. Goose – Sure but you could do both, somebody has to be the responsible person no matter what.

Amy Fowler – Right, because they could be doing something that Dan has no idea about –

Ms. Goose – It doesn't make any difference, if it's his student, he had better know – it doesn't make any difference whether he knows, he is still responsible, and that's just the way that it is, for liability, that's the way that it is. In some of the other professions, if in the end, after the practicum, if it's determined that the instructor didn't have a current license, it didn't count. It was a waste of time and they might possibly have to re-do it.

Ms. Hamilton - Your ethical rules apply. It says that they shall apply to licensed interpreters, temporary licensed interpreters, applicant for licensure and applicant for temporary licensure. I don't know that a student falls into any of those things because they haven't applied for licensure yet, so you can't impose the ethical standards for conduct on those students. If you have a supervisor who is licensed and who falls under those ethical conduct rules, it just says an interpreter shall not misinterpret his/her licensure, ability, educational training, educational whatever – that imposes a duty on the instructor, not on the student, as the rules read.

Dan Betzler - That was my understanding early on.

Ms. Goose - But back to the other part of Amy's question though is that if a complaint or two complaints or whatever, would come in on a student and that student would still end up with a degree, become certified – they could become certified – and that the point, if we have been made aware and at the point they have become licensed that can come into play when the licensure decision is being made.

Amy Fowler - Because he's right, we could nail the student if we knew about the whole situation –

Amy Fowler – (several talking at once) ...does not have to be in an ITP program to become a certified interpreter but if you had a complaint about a person and they were serious enough to warrant not even issuing them a license to start with...

Ms. Hamilton – Yeah, I just think that has more to do with the student when they are applying for licensure and not when they're in the ITP program like the statute is talking about

Dan Betzler -I guess the way that you can govern that is by removing the institution from the list.

Ms. Groose – ooh, yeah.

Dan Betzler – I mean if it's on the list of accredited or approved because you'll have that control.

Dr Miller – It's a little off of the subject, but I went to the statute books and looked at the languages for the different professions that exempted students and/or family members, etc., I was struck that the language of student exemption generally does not include – in a positive declaration of – you got to say you're a student. It generally says it the other way around – it says you are exempt as a student so long as you don't misrepresent yourself that you have a license. Most of them are written that way rather than requiring the student to do some positive act, they say the student can't engage in a certain act. Why is it that your language has chosen to put in here – you MUST say that I'm a student or I'm a practicum student or whatever – because all of the questions about how do you do what satisfies that condition, they're all associated with what satisfies the causative act rather than, 'hey that person told me they had a license and they lied' and that's a different ball game.

Dr. Guillory – Part of that, we had discussed this before was that many times students in other professions are engaging in the practice of that profession on site at the college, or in hospitals where patients know they're going to be seen by students, nursing students, PT students, that sort of thing. But interpreting is different because they are going to be going out into the community where they're in a situation where nobody readily knows that that's a student unless they say so.

Ms. Hamilton - And practically speaking just from a drafting standpoint, and this is something that the committee kind of pieced together, but you're right, they do put a lot of the statutes make your exemption contingent on your following certain rules. We can do that with this statute too – practically though if you say 'you're exempt as long as you disclose' and that student decides not to disclose so you yank their exemption, then what you're saying to them is that 'you need to be licensed' and that takes you back to the same problem that we have right now to license students.

Mr. Adams - But just what you said, if they are not disclosing that they're a student, then we yank their exemption and that means then they'd be licensed which means they're misrepresenting themselves. If they're not saying, 'I am a student, I fall under the exemption' if they instead just say, 'hi, I'm your interpreter' – they just represented themselves as being licensed, because the client is going to say, 'oh, interpreter – professional interpreter' – they didn't say student, they just said interpreter.

Ms. Hamilton - How are you going to punish because they're not licensed?

Mr. Adams - To misrepresent yourself – that's one of our statutes – you shall not misrepresent yourself.

Ms. Hamilton - ...I'm talking about just your ability as a committee to seek discipline for licensure violations, they don't have a license, there's nothing you can do after that point..

Ms. Groose - ...to that individual – but we have a bit more control over the interpreter training program if they want to maintain on this list and they're students to be exempt, then they're not going to want to hear from us that they have students out there that are not identifying themselves as a 'student' – doesn't necessarily always mean that we can do something about something that an unlicensed person does.

Ms. Drummond -- If we include that language that requires that disclosure – and they don't provide the disclosure – basically they're misrepresenting themselves – isn't that one of the reasons that we can decide to refuse to issue a license? And so that would just be a piece of evidence that we would have in their file that they weren't disclosing, they were misrepresenting, and so when license application comes around, you could refuse.

Ms. Hamilton - You could do that whether you make their exemption contingent on that or whether you leave it as it is and say that that they "shall" do it, when you're saying a student shall disclose, if you find later on that they're not disclosing and they're misrepresenting it, you have the same ability to then put it in their file and wait until they are applying for licensure.

Ms. Drummond - What if we don't require disclosure?

Ms. Hamilton - At all?

Ms. McEnulty - Well if we're going to require that they disclose that they are a student, why can't we just require our whole committee rules to them, our whole ethical code of conduct to them?

Several people – Because they don't have a license.

Dan Betzler - Can I make a recommendation? If you could make it known to the other institutions that you want disclosure of the students at every assignment, because I was a little surprised that some of them acted like some of the things that we did were a little different, and I think maybe they would need to be aware of it just to make sure that they do disclose every time.

Ms. Hamilton - If the committee wanted to you could tack on "themselves by title of student practicum , student interpreter training or intern at each assignment", I mean it's not – at each activity or whatever it is that you want to make that part of the affirmative or if you just want it to be a policy and for the schools to know, generally, that that's what needs to take place then...

Mr. Adams – Well, wouldn't it be possible for us to send a letter to the ITPs saying this is what the statute says – when this passes – and say this is passed, please note this means, please share this information with your students, they must disclose – maybe send it out twice a year for 2 years, just to make sure that everyone is aware.

Ms. Hamilton - My guess is that schools will seek clarification and know this long before....because all their students are going to apply for exemption or are going to want to be exempt, so...

Ms. Groose – We have no idea how long it will take to get it passed.

Ms. Durham - It's coming upon lunch time so I need to know are we close to a proposal for this?

Ms. Groose - I think she has the revised language right?

Ms. Durham - We're ready, right?

Ms. Hamilton - These questions were posed so that if you wanted to that if you wanted to change something that is the way that it is right now – the only other thing with activities and the reasons that I brought that to your attention is because it says 'shall engage only in activities and services that constitute part of the supervised course of study' – I just wanted the clarification that the word 'activities' – or I don't know – if that means that students who are in their dorm room, practicing or whatever, if that constitutes part of the...so if there are activities that are going to end up being prohibited that you didn't necessarily intend to be prohibited.

Ms. Adams – I'm not sure quite on that part, so what would be prohibited that we didn't mean to be prohibited?

Ms. Hamilton – Okay, what you're saying is that these students are exempt, they don't need a license, even though they're practicing interpreting, that they can only do that if they are engaged in activities and services that constitute part of the supervised course of study, so when they are outside of that classroom activity, in any setting even if like....

Dr. Guillory – What if you had a deaf student in a dorm, and you had a student interpreter in the dorm, and the student interpreter decided to interpret for that deaf student in the dorm for something?

Ms. Durham - Unless it was approved by their instructor, they shouldn't be doing that anyway and it's not under a supervised as part of ...or an activity sanctioned by...

Dr. Guillory - So how does it affect that statement?

Ms. Hamilton - In that particular situation that activity would be prohibited.

Ms. Drummond – Unless it's "where's the mop bucket and the Pine-Sol" or ...

Many Voices -- Conversation rather than interpreting.

Ms. Hamilton – Right, and I would assume then that falls under the exemptions for casual setting.

Ms. Drummond – That already exists.

Ms. Hamilton – yeah, I just wanted to make sure that there weren't any situations that you might have that come up in every day setting where it's going to end up prohibiting that activity because we've said you can only do it under the supervised....

Ms. Durham – If the students are in their dorm room practicing it's homework it's part of the course of study, right?

Ms. Groose – Right.

Dr. Guillory – But if third floor dorm has a meeting, then that student can't interpret for that deaf student in that setting.

Ms. Durham – Unless that was an approved activity that the ITP program said....

Dr. Guillory – No, I mean they just popped up and said I'll do this.

Mr. Adams -- I'll make a motion that we accept and move ahead with this language as amended.

Ms. McEnulty – Meaning we're just going to change the "lead" to "offer" and the "at" to "from" in that second sentence.

Mr. Adams – Correct. Those are the only amendments or alterations that I have.

Dr. Guillory – I'll second that.

Ms. Durham – All those in favor.

Mr. Adams, Dr. Guillory, Ms. Drummond, Ms. McEnulty – Aye

Ms. Durham – Opposed? (no response)

*-- Church exemption language – the following is a comprehensive reporting of the discussion regarding church exemption language.*

Ms. Hamilton – Basically I did...you had asked me at the last meeting as part of my directives to look at whether there were issues when you exempt in church practice issues with separation of church and state. And I did the research on this – I can say first of all there is some indication that if you wanted to try for an exemption for church that you could do that. Before you could do that....before you could even propose a statute like that it would take extensive, extensive, extensive legal research, because getting into those Constitutional issues you do not want to pass a statute and be challenged on that, it would be years of litigation....

Ms. Drummond – Let me make sure I understand what you're saying, in order to exempt interpreters from working in the church – not to license them – so right now you're saying that the status quo should really be that we license interpreters in the church?

Ms. Hamilton – Well, you license interpreters and if they want to go work in the church then they have the ability to do that because...

Ms. Drummond – I wanted to make sure I understood that part.

Ms. Hamilton – Right, my understanding was that you were looking at exempting people who are working in church.

Ms. Drummond - Yes and my assumption was they were exempt all along, that we didn't regulate interpreters who were working in the church. And so that's why I'm confused – we have always been under the assumption that they don't need a license to work in the church and just like teachers who work in parochial schools may not need to have certification and that sort of thing.

Ms. Hamilton – Right. I misunderstood but we're going to get to the same conclusion anyway. I felt that you were looking at creating a specific exemption.

Ms. Drummond – Right, and that was the suggestion that we needed to do that.

Ms. Hamilton – That you wanted to do that, that you wanted to create that exemption. Okay, I don't know if we can do that – and here's my point. If you were going to do that it would take extensive research just to ensure that you were doing the right thing. What Missouri law and what US Supreme Court law has indicated is that when you create licensure exemptions and you're getting into that whole secular area – I mean there's lots of tests and prongs that you go through, whatever, but when government is involved, that you have to create similar exemptions for non-profit/charitable organizations. Maybe that's an issue that you wanted to get into, I don't know, and it's not for all....you can't just say, 'we're just going to do church – or we're going to do whatever' – there are issues as far as non-profit....maybe we are going to have to go longer on this....

Ms. Durham – So if we didn't create the exemption then are they interpreting illegally in the churches?

Ms. Hamilton – Are they licensed?

Ms. Durham – No.

Ms. Durham – And that's where we were told we couldn't go after them because their in the church, interpreting, then they're exempt because it's in the church.

Ms. Hamilton – Are they working for the church though?

Ms. Drummond – Yes.

Ms. Durham – Well they get paid by the church just like the organist, just like the singers coming in.

Ms. Hamilton – Yes, that's different, you're right about that, you're not governing those people – maybe this was just a misunderstanding as far as my understanding was that you wanted to create an exemption for people who – any interpreter, maybe somebody from your agency, that kind of thing – going into a church and interpreting.



Ms. Durham – No, there are interpreters that go through an agency that go in and work in a church.

Ms. Hamilton – But they're paid by the church

Ms. Durham – Paid by the agency.

Ms. Hamilton – That's different.

Mr. Adams – And these are unlicensed?

Ms. Durham – No, not if they're working for an agency, they shouldn't be but....

Ms. Drummond – And that should be the difference – it's gratuitous and it's for the church. I mean, we'll have to spend time ?? that because then we wouldn't need an exemption. So we're saying if it's like a member of the church interpreting for their church on a voluntary basis, that we don't currently....

Ms. Durham – Or even if the church is paying them.

Ms. Hamilton – If the church is paying them, right, it's a different situation. It's not the state creating a special exemption for – because if you're going to create that exemption you're saying, "Well, Interpreter A, if you decide to go in and work at a church, you don't have to be licensed, but Interpreter B, if you're going to work someplace else, you do" – you're creating a special niche for the church and that's a different situation because that's broad base – you're doing it for everybody that's a different situation than the church hiring an interpreter on their own, or being a member or whatever.

Ms. Durham – So the church can hire a non-licensed interpreters, the interpreter can go in there and interpret and that's not illegal?

Ms. Hamilton – Well, it's not the same sort of establishment clause issue as what we're talking about because it's not the state interfering in a religious organization kind of deal.

Ms. Durham – But they're interpreting.

Ms. Hamilton – Yes.

Ms. Durham – And there's nothing we can do about it.

Ms. Hamilton – But you're not creating special licensure...

Ms. Durham – We didn't want to create special licensure, we were told that they didn't have to have a license because they're interpreting in a church they can interpret all they want in that church...

Ms. Hamilton- Where they're paid by the church or paid by anybody?

Ms. Durham – We never got into the issue of who paid them it was just if they were in a church they didn't have to have a license there was nothing we could do about it.

Ms. Hamilton – When I say paid I really mean employed but...yeah, whether they're employed by the church.

Ms. Durham – If you go in once a month and you interpret in a church and they pay you \$20 for being there, are you hired by the church?

Ms. Hamilton – Not necessarily.

Ms. Durham – Employed by the church – do you have to have a license?

Dr. Guillory – You're splitting hairs because what if they do 5 hours a week, what if they're a .5 FTE?

Ms. Hamilton - Right and that's why I can say not necessarily. I can't ....

(Committee members adjourned for lunch at 12:10pm and returned at 1:00pm.)

Ms. Drummond – If someone is a member of the church – or maybe not a member of the church – but they're interpreting in a church service and the church is the one that organized it and the church is the one paying for it – are we supposed to regulate those people?

Ms. Hamilton – That's a different scenario than what I believed you to be talking about and I don't know that I have a clear cut answer, I don't know that there is a clear cut answer because, like you said, how every statute is judged is based on its (??) limit test and it's a standard that the Supreme Court articulated and you take your statute or your exemption or whatever it is, and put it through that test, each prong of it, and you have to make an argument either way. There's no clearly articulated standard – certainly not for this situation – not even for situations that are more clear. And I know it probably sounds like I'm trying to skate around the issue, I'm not, there just is no one answer when you take it through every portion of the test – part of it is whether you are – it's the promotion of a religion, basically, and typically when a church is providing services they are promoting their own religion and that's fine, interpreting is so different because you've got someone that's basically just repeating what has been said, you are not involved in the religious process – if that makes any sense. I don't know that I have a clear-cut answer for you as far as if it's a church that has – maybe it's one of their own members or they've hired somebody individually to go and interpret, whether those people are required to have a license.

Ms. Goose – What if one of their members were a physician and the physician came in on Saturday and saw church members for I don't know why...

Ms. Durham – ...The church paid them to be there...Would they be required to have a license?

Ms. Hamilton – Yes.

Ms. Goose – So what's the difference?

Ms. Hamilton – This is just off the cuff and it's my personal opinion. I don't think there is a difference, first of all I was surprised that you had past counsel who told you that these people should not be regulated. That seems like a fairly....

Ms. Drummond – ...I don't know if it was past counsel – it's something that has been believed since certification began, since they were lobbying to get the legislation passed to set it up – oh don't worry church interpreters are not regulated because of the Constitution, separation of church and state, the same way we don't regulate parochial schools, we don't require teachers in parochial schools to have certification, the same thing is true for interpreters, and so that was what the Missouri Commission for the Deaf was telling everybody back then and so we've just believed that all this time.

Ms. Hamilton – Okay, because I was surprised that someone would have taken a firm stance on that because there just isn't a clear....it's never going to be clear until somebody challenges it.

Ms. Goose – We still be in a little bit different...like a parochial school, those teachers are employed by that school, by that church...

Ms. Drummond -- Uh-hu, but the interpreters may be too.

Dr. Guillory - Well but you're talking about contract work – it's the difference between being employed or doing intermediate kind of go-for-2-hours, go-for-8-hours and go home...

Ms. Durham – If you sing in the church and they pay you to be there, are you considered an employee of the church?

Ms. Hamilton - Not necessarily, there's a whole nother standard and test with different prongs where you determine if someone is an employer – at law – you take different circumstances, do they bring their own tools and equipment, how are they paid, was there a written contract, there's all of these different standards that you apply to the situation to determine whether someone was employed by that entity, it's a case-by-case basis. So in that situation I'm going to say 'no' – the church is not their employer, if they're just coming in and they're saying, 'we're going to pay you \$20 you're here for 2 hours' that is, the church itself is not your employer.

Ms. McEnulty – What if a person does it gratuitously – if they go to that church and they're a member – and so they have taken sign language classes and so now they are interpreting? Can it be in that setting? I mean – is it a casual – I mean, can you do it gratuitously and not get paid and then not have to be certified...?

Ms. Groose – No, that would mean that you could interpret all day long anywhere you wanted to interpret and as long as you weren't paid you wouldn't be practicing interpreting, that's not true.

Ms. Hamilton – It would have to fall within a casual setting under your statute, you're doing it gratuitously and it's a casual setting so it would be a determination by you all whether you believe the church to be a casual setting.

Ms. Drummond – I don't believe it to be a casual setting, but I also don't believe the government should interfere with the church.

Ms. Durham – But are they interfering with the church? They're only interfering with the interpreting that's taking place and requiring them to have a license. You don't think that they should be required to have a license to interpret just because they're doing it in the church?

Ms. Drummond – The only concern I have is the whole slippery-slope thing, you know you stick your foot in here and then you open a crack over here. That's the only concern I have – I mean, personally, in my experience the churches that have the people who don't know how to interpret interpreting, nobody ever goes there. My dad drives 2 ½ hours to St Louis to go to church so he can go to church with a deaf minister. So programs like that, bless their hearts, they really want to "save" deaf people but they don't know what they're doing and so it never works – so is it really hurting anybody? I don't know. I mean I can't tell you how many deaf missionaries....

Ms. McEnulty – There are deaf people that go there to those smaller towns, those smaller churches, I mean there are deaf people that go to those churches.

Ms. Drummond - Our agency employs interpreters to interpret for church services on a regular basis, but those interpreters are not members of the church and I have personally volunteered to interpret at my church and did that every Sunday for a year or two or whatever, so I've got a wide variety of experience with that. I have a problem with people being paid to interpret in a church service that's not their religion, you know what I mean? That seems to me like that's clearly contracting services for hire that's a business arrangement, it's not a religious arrangement. It's not a member of the church is really involved in deaf ministry and wants to save deaf people and I'm going to teach my religion to you – I mean it seems like the mission there is different.

Ms. Durham -- But there's lots of Catholic interpreters that go to different catholic churches and provide interpreting services. I mean all of them that I know are licensed, but I know a lot of people when they first get into the interpreter training program think, "I want to save these deaf people and I'm going to go interpret in my church."

Ms. Adams – I interpret at a church twice a month and I've kind of asked around for feedback, saying, 'Do you think – are you satisfied as my services as a professional licensed interpreter or would you rather find somebody that's not an interpreter but – so you wouldn't have to pay them?' and they're like, 'oh no, we want a professional interpreter, because we know what we're getting.' They understand it better, 'cause the few times that I'm not there they scramble to try to find someone and it's usually one of the adult children of one of the members of the church who has been in that church themselves for many years,

and so they'll get up there and do it but the rest of the congregation members are – yeah it's a nice fill in but we prefer a professional that has the training to do this and I think it's got to be complaint based. Until we get a complaint from a congregation member saying "this interpreter in my church is lousy" – do they have a license, are they unlicensed, how do we proceed with that, but until then how are we going to know?

Ms. McEnulty – I know a lot of people who are interpreting in church who are not interpreters.

Ms. Drummond – But the Commission for the Deaf told everybody they could do it, and they advertised it publicly for a very long time that church is okay, and we really have to, so if that's not the case then we need to do a lot of education. So let me ask, why are parochial school teachers not required to have certification?

Ms. Hamilton – I don't know what the basis behind that... I don't know what the policy decision was – but just from a legal standpoint I believe it is because they are employed by the church, they are for all intents and purposes part of the religious organization, and it's that excessive entanglement of government issue that goes within the establishment clause to be regulating people, the church entity, it's excessive entanglement of the government within the, testing the prongs or whatever of the establishment clause to see if there's a violation.

Ms. Drummond – So what if the church has a deaf ministry? Like they have their own department just for deaf people?

Ms. Hamilton – I would say if the church had an interpreter that was part of the staff of the church, I would believe that to be, that is more akin to a parochial school teacher, and I think that's a different situation. What I understood from what you all were saying is that we were talking about people just in the community coming in to church.

Ms. Drummond – Well we've got to consider that too.

Ms. Hamilton - You know, licensed or unlicensed, but people who were not employed as part of the staff of the church to be interpreters, which that's got to be kind of a rare situation I would think, that a church would have a staff interpreter.

Ms. Drummond – A lot of the bigger churches like the the National Assemblies of God have their own headquarters in Springfield and so they have a couple of employees that work specifically in the deaf ministry, Kevin Babin is one of them but he's like the head – the representative for deaf ministries for the whole country or something in their headquarters there, he happens to be a licensed interpreter. But there are other people within the church that have positions like that where they're the youth minister for the church, those people usually have a day job but that's their position within the church. A lot of times in deaf ministry you'll have the same thing, the deaf Sunday School – I attended a Baptist church in Columbia that had that, we had our own deaf Sunday School, we had 2 Sunday school teachers that were paid by the church to teach Sunday school, just like the other Sunday school teacher were. And those two ladies would interpret the worship services too – they don't do it now, they're both gone – but there was never any thought in their mind about being certified or licensed, they never interpreted anywhere else, their purpose was not really interpreting, their purpose was ministering to the deaf and they wanted to make sure that the deaf people that attended worship services got the same message that the hearing people did. So I was wondering, if we go after people like that – that was my concern – and I just thought you couldn't regulate the church at all, if they wanted to have their services interpreted they could do it by whoever they wanted.

Ms. Hamilton – Yeah, I wish I had a more clear cut answer for you about all of these things. I would never try to discourage the committee from pursuing something that you wanted to investigate. I will say this – this is just a messy issue, it's always going to be, I think, and if you all want to pursue this we can – if we're starting to talk about drafting legislation and things like that, it's going to be tough, it's going to be messy, there will be so much research involved and even then it will be risky to try to propose something. Any time you get into this area it's going to be like that. You know, take it one step further, even in the

process of getting it passed it's going to go through Constitutional examination but if it should and there's a challenge, there's just...

Ms. Durham – If we didn't have an exemption and we got an complaint from a deaf person attending a church, saying that this interpreter is unlicensed and doing a horrible job, is there anything we could do?

Ms. Hamilton – Well, right now you don't have a church exemption – you're statute is across the board. If you're interpreting you have to have a license. So you can go ahead and apply your statute across the board and then look into that specific situation, are they hired by the church, are they an employee, is this a situation that makes it like a parochial school teacher, I mean you're still going to have to research it you're still going to have to...in that specific situation you would still have to research it you would still have to...

Dr. Guillory -- Let me offer this, what if we looked at legislation. There is legislation that specifically exempts professionals from licensure in parochial schools or certain church situations or just parochial schools, and what if we looked at that and said okay private schools don't have to be held to this, how did they write it? Is that a possibility?

Ms. Hamilton – Well, it's not that they wrote a statute so much as it is that when it was challenged under the establishment clause, that was the determination the Supreme Court made - no, this is entanglement into religion and they don't have to be licensed and certified I don't think like DESE doesn't have a statute that says – or they may, actually after that decision came down...

Ms. Durham – So if we were to send a cease and desist letter to an interpreter that's interpreting in a church because we got a complaint and realized they're an unlicensed interpreter, could we get in trouble for entanglement?

Ms. Hamilton – I don't know – like I said, it's all going to be case-by-case. I know. I'm sorry I wish I had a more clear-cut answer for you, I don't. As a result of this conversation if you want to kind of narrow the scope of - I can go back, I have a fairly extensive memo on this, I didn't give it to you all because I don't feel like it's very helpful, but if you'd like a copy of it I certainly could provide it to you. Just regarding it's kind of a basic outline of how you...it talks about the parochial schools and different licensing boards getting into that whole, if you're going to do it for religion you've got to do it for non-profits and charitables as far as statutes are concerned. I'd be happy to provide it for you as a result of this conversation if you want to narrow the scope and look at that hypothetical situation, what would happen if you get a complaint for this – what you're looking at – it's always going to be risky, whatever determination you make is going to be risky, whether you say yes we're going to go ahead and punish this person for not doing it and then you've got the religion issue, whether you say no we're not and then some other person comes in and says well that's discrimination – I mean - -

Ms. Durham - Because a licensed interpreter could come in and say I'm reporting this interpreter interpreting like I'm supposed to because my code of ethics says I have to tell you, and you're not doing anything about it, they're taking money away from me because I can't get that job...

Dr. Guillory – Can you do that with teaching, they're hiring uncertified teachers therefore I can't get that job in a religious based school? Is that a valid argument that would stand up in court?

Ms. Hamilton – That they are purposely not hiring me because I am certified...

Dr. Guillory – Because I am certified and they have to pay me more.

Ms. Hamilton – Well that's a different situation because that determination has already been made, that the schools don't have to hire certified and certified teachers – even if there is discrimination claimed.

Dr. Guillory – If it was challenged, would the same thing happen, if something like that went up to a higher court, you would guess that the same thing would happen that they would say well the church can – you know – if we or anybody challenges it, they can say the church can hire anybody they want, they don't have to hire a certified interpreter,

Ms. Hamilton – Right, because that's a determination that's already been made.

Dr. Guillory – Maybe we should ask Shannon for something direct, like based on a couple of scenarios.

Ms. McEnulty – Can we take the religion out of church interpreting and just look at it as the act of interpreting period?

Ms. Durham – I mean, that's the whole thing – that's why I was afraid there could be a problem, there could be a complaint coming in because they are interpreting

Ms. McEnulty – Right and when you look at the whole church – the ministers and all the people, they have pastoral counseling and all that stuff, all those people are trained and educated to be working in that setting although they might be hired by the church

Ms. Goose – But generally not licensed like the counselors, psychology, social workers, counselors, are all exempt in those settings.

Ms. Durham – And is that written into their rules and statutes?

Ms. Goose – Yes, it's in their statutes.

Ms. Hamilton – That's like a psychologist that's hired by the church..

Ms. Goose – Well, it doesn't say anything about being hired.

Ms. Durham – But a psychologist working in a church is exempt from the licensure requirement, because she's saying if we did that we'd get into all kinds of trouble.

Ms. Hamilton – I'm not saying that you would get into all kinds of trouble.

Ms. Durham – That's my interpretation of what she said.

Ms. Goose – I don't have ....I don't think... I think it says like religious organizations or something like that.

Ms. McEnulty – Are exempt from licensure?

Dr Miller – Lo, can I add to that. Spent time looking through the statutes of these different professions and the profession of social workers and counselors – it is explicit in the statute that a priest, let's say, or a preacher, who is doing counseling in their role as a preacher or their church activity, they're exempt from the law that says you've got to be licensed to be a counselor, but there is a specific exemption written in their statute.

Ms. Hamilton – Correct, because part of being a priest and promoting a religion is counseling, I mean - - yeah, but this is totally different because conceivably an interpreter is not involved in the religious process whatsoever.

Ms. Drummond – But what if they are?

Mr. Adams – In what way?

Ms. Drummond – In part of the deaf ministry, they teach Sunday school class and then they go and interpret worship services, does that effect – it's their whole purpose in being there, they're interpreting worship services but they're teaching Sunday school classes in the deaf Sunday school classroom.

Ms. Durham – They're interpreting the worship service because they're going to use that when they go back to teach their Sunday school, the information that was being presented, so they were really the teacher at that time.

Ms. Drummond – Well it'd be the same thing as singing in the choir or singing a solo in the worship service, the whole purpose of singing that song is to promote your religion, that's why it's included in the service. So, if the reason the interpreter is interpreting the worship service, that's their contribution to the church, that's their contribution to the promotion of the religion. So that's my concern, that there might be different cases where if my agency sends an interpreter to go interpret for the church down the street and they're not a member of that church, they go and interpret for that service – it's purely a business arrangement, the interpreter is not trying to promote the religion, the interpreter is just trying to facilitate communication. But there are other interpreters who interpret for that same service, where their whole goal is the promotion of the religion.

Ms. Hamilton – Yeah and when I say the promotion of a religion, I use it in a legal sense but I recognize activities that you are involved in, in a church that is considered like the promotion of your religion such as being a priest as Dr Miller pointed out, those kind of things. Just from a legal stand point I understand what you're saying as well. I don't think if you're a member of a church and you decide that's going to be your contribution to the church, that's not the same sort of – when I said promote the religion – that's not the same sort of activity.

Ms. Drummond – So ministering and teaching Sunday school classes and....

Ms. Hamilton – Yes, but the counseling was a very good example because you have a minister, part of that job description is counseling. And so when you start delving into that saying you have to be a licensed counselor you're interfering with the religious activity. An interpreter is taking one language and turning it into another, that's the activity. It's not.. you are not.. I mean....

Ms. Drummond – They're not the one generating the message, is what you're saying.

Ms. Hamilton – Correct.

Mr. Adams – The interpreter is not preaching the homily, the interpreter is interpreting the homily for....is that what you mean?

Ms. Hamilton – Yes, you're not preaching, you're not teaching Sunday school, you're not – the interpreter him/herself is not doing that particular activity...so it's just a different situation. I can't say that it doesn't fall within the same category, it's just not the same.

Kandice Allee – I know we are talking about religion but just to kind of throw in a different example, what is your view on having a teacher of the deaf who goes into a classroom and teaches, and in the afternoon is interpreting for a deaf student in another classroom? Kind of the same thing, you're teaching Sunday school and you're engaged in the teaching process or whatever, but does that teacher of the deaf have the right to be exempted from interpreting in a class room because they're employed by the school district?

Ms. Drummond – The example we're using relates to the separation of church and state and so the example you're referring to, no – there is an exemption for teachers using sign language or even interpreting – in a classroom as part of their own duties.

Kandice Allee – In their own classroom?

Ms. Drummond – Right, but if they go out and interpret for someone else, we expect them to be licensed. But there's no issue of government being involved in religion unless it's in a parochial school.

Kandice Allee – But they're still interpreting a message, regardless if it's a religious message or, I mean.....

Ms. Drummond – ....I don't disagree with you about the fact that it's interpreting, the concern is should the government regulate the church? That's what I'm concerned about. I think it's still interpreting – it is still interpreting.

Kandice Allee – My attitude is an interpreter is an interpreter is an interpreter, whether or not you interpret in education, whether or not you interpret in church, you interpret for the field trip, I mean I know that church and state is an issue and I'm not denying that, but interpreting is interpreting and you're going to get complaints about this, it's going to happen I'm sure, not that that makes your job any easier.

Ms. Drummond – No and we have exemptions for students, for instance, who are interpreting, interpreting interpreting, but there are exemptions that we have, we have to say that they're not interpreting because that's the definition that we have always....

Ms. Goose – Well the wording actually for the psychologist says, sort of, qualified members of other professional groups such as clergy, physicians, and it goes on and on and on – practicing consistent with their training and education, and then they must abide by any code of ethics in regard to their specific profession.

Ms. Drummond – So they have to have some sort of organization within their own...Well they've got to show evidence of that, right? Because you're still going to have a code of ethics....

Ms. Goose – No, they have to abide by any code of ethics in regard to the respective professions, because clergy is among a list of clergy and physicians and even counselors and social workers and nurses, this was specifically out of psychology because it says 'doing work of a psychological nature' because their definition of the practice psychology is doing anything of a psychological nature – well it exempts these people from licensure based on their training and education.

Ms. Hamilton – In that circumstance that is an exemption that is based on your professional status because you are using elements of psychology within your profession, it's not a religious based exemption, it's saying because of the status of your profession we are going to exempt you. What I understood us to be talking about was just in a church.

Ms. Goose – So this is saying because the clergy would be trained in counseling – so that's what exempts them, and counselors and social workers – I'm sure it's all the same.

Amy Fowler – Since working for the state I've heard a lot of interpreters come into our office saying that they're working in a church and do they need to be certified – I'm kind of like stuck in that, this is the law, this is the definition of what interpreting is, are you doing that in the church – has a grievance ever been filed against an interpreter – I don't know if they're working in a church, I don't know what to tell you - you may want to contact the State Committee of Interpreters so I'm sure maybe you've received some calls from interpreters that are working in the church that don't know if they're working there legally or not. For myself I'd like to know what clarification - the difference between separation of church and state or religion because I know there are state laws, the church has to follow state laws, I'm sure there are other things that are state mandated that church also has to follow, so does it mean that they don't actually have to follow the state laws? And if interpreting has a state law they don't have to follow that because of the separation? I'm just confused about that whole thing, you step into a church then you don't have to follow state law?

Ms. Hamilton – No, not at all. What they're talking about and what is conferring the benefit on one group or one person that you are not going to confer on another because of that religious status, that's where you get into the whole separation of church and state issue and when you're talking about – in this situation – you're talking about exempting certain individuals because they're working in a church setting or not enforcing your licensure laws against someone because they're working in a church setting where you don't with other people, particularly like people who are working for non-profits or for charitable organizations and things like that, whether you're permitted to do that or not.

Amy Fowler responded but it is not audible.



Ms. Hamilton – No because you are exempting or not enforcing laws against that individual based on a religious context. We're saying because you're in a church, because you're working in a church you don't have to be licensed, you're using the religion as the basis for exempting or not enforcing the law.

Ms. Drummond – And also I think our group was not here when we first explained how we got into this and what the belief has been, what the history has been and that might be useful to you. When we were first lobbying for certification licensure to be passed, the Missouri Commission of the Deaf actually, Jerry Covell at that time, explained to everyone that church interpreters were exempt because the whole Constitution separation of church and state – and so that's been a belief we've had for the last 10 years, and so Roy Miller just pointed out that it doesn't really say that, he pointed it out a couple of months ago and so that's why we're discussing it today, and that's what Shannon's confirmed, the statute doesn't really exempt church interpreters – we thought it had and so now we're discussing whether or not we should do it, but we've had this erroneous belief all this time that they were just automatically exempt, and apparently they're not.

Dr Miller – That's exactly right, what we've got is a situation where a law was written people thought they understood how the law was going to be applied, and a very interesting situation for example, if you look up the skill level standards rule, government setting, educational setting, medical setting – where's the religious setting – note that it's very conspicuously absent from the skill level standards rule because even though it's one of our major institutional settings in society, the people who wrote the law and wrote the rules probably were thinking one way about how they were going to be applied, but how they thought they were going to be applied and the legal questions are two different questions. Now what we're faced with is a situation where now the legal thing comes up – for a long time in a sense it didn't matter. The enforcement wasn't there. You could be a one and go anywhere you wanted, it wasn't an issue so to speak. But some people are making it an issue – now there's two parts of that issue as I've explained to (?? – can't understand name), one is the legal part, one is the political part. The legal thing is a quagmire and the whole separation of church and state, Supreme Court rulings about what you can and can't do – today there are certain things, etc – from my perspective I think the legal parts' pretty clear though. Right now our law says you've got to be certified and licensed even if you're in church. Now that's different from the political issue, some people will argue very strongly “don't touch our churches – don't try to regulate what we do in church”. Some people will argue just as strongly on the other side and say, “a deaf person is just as entitled to ‘known and publicly verifiable good services’ there as they are at the K-mart store” – but that's a political issue. What I want to suggest is that I really would like to see some kind of advisory solution to the legal question. I would like to see your committee submit to the Attorney General's office a request for advisory opinion on the question of whether or not people have to be licensed to interpret in churches. It has never been adjudicated in any court question, but we can ask for advisory opinions and at least get some feeling of what the AG at the top brackets think about that issue. I think that would be worthwhile for us to do.

Several voices – I agree

Ms. Hamilton – Okay, I don't know, I'm not sure, I'm just going to throw this out, I'm not sure that you can move to have me do that as your counsel for policy reasons, I think if you're going to do it the committee has to do it separately and ask the Attorney General's office...

Ms. Goose -- ...It's a whole separate process to do that.....

Ms. Hamilton – ...Yeah...

Ms. Goose – .....and it's lengthy ....

Ms. Hamilton – I think that Dr Miller points out and I should have said this up front, probably would have cleared this up, this issue so much bigger than anything that I could advise you on and that's probably why it sounds like I'm skating around everything because I don't have a solution. You can ask for an advisory opinion and I'm not sure that we – the Attorney General's office – can give you a solution, it's so much bigger than – but it's an issue that needs to be resolved and it's an issue worth looking into, certainly. I can't do it as your counsel. I can't go back and as part of my directive ask for an advisory opinion.

Dr. Guillory – Well, Pam are you saying that you feel it would be lengthy, that we shouldn't pursue that?

Ms. Groose – No.

Dr. Guillory – I mean - because this discussion here will be lengthy, because this discussion will just continue and that we'll need to get some help...

Ms. Groose – No, I just know that it's not – and just so that you know that, I don't have any idea how long it will take.

Dr. Guillory – Do you agree that we need help?

Mr. Adams – Oh yeah. *(other voices all at once echo an affirmative response)*

Dr. Guillory -- ... and that this is not something we can handle by ourselves?

Ms. Drummond – So when you say lengthy you just mean it might be several months before we hear anything back on that?

Ms. Groose – Well, now this is what I understand. It first goes through a review and there is a determination made as to whether or not the Attorney General will even consider issuing an opinion.

Ms. Hamilton – That is correct, and part of that consideration may be that you are a client, basically, of the AG's office, so there may be some issues as to whether they'll issue an advisory opinion, I think they've done it before. I don't know that for sure but I think.....

Ms. Groose – yeah, they used to do it a lot more than they have in the past few years. When I first was involved with regulation we would ask for and get Attorney General opinions fairly often, and then I don't know if then its just evolved and said it's not part of our duties or whatever.

Ms. Drummond – So we just need a motion to do that then? Then I make a motion that we seek an Attorney General's advisory opinion on the issue of whether or not we regulate interpreters in the church.

Mr. Adams – I'll second that

Ms. Durham – All those in favor?

Ms. McEnulty, Ms. Drummond, Dr. Guillory and Mr. Adams – Aye

Ms. Durham – Opposed? (no one responded)

- *Family member for family – the following is a comprehensive reporting of the discussion regarding exemption language for family member for family Staff to research exemptions for family members from all professions.*

Mr. Adams – With this we're talking about actual interpreting situation, not at dinner Sunday night with a new girlfriend...

Ms. McEnulty – And you're also talking about somebody who is not certified or licensed.

Ms. Durham – I don't know that I remember the whole conversation that .....

Ms. Groose – I don't. I just found it.

Ms. Drummond -- At the BCI meetings they were talking about different settings where they were concerned that it was not clear whether or not we intended to regulate certain populations, students was

one group, the church was another group, and this was another example, family members interpreting for other family members.

Ms. Durham - Did they have specific situations they were talking about?

Ms. Drummond -- I think Dr Miller, didn't you say the BCI had had lengthy discussions on each of these topics but hadn't really come up with any decisions or recommendations, is that correct?

Dr Miller – I remember the discussion because I brought up the discussion. The questions are simple – the answers are not. The questions are things like does a wife who is hearing and a husband who is deaf, they go to a restaurant to eat dinner and the wife interprets between the waiter and the deaf husband. Is the wife violating our law that says she can't do that. I see it is like the church question – there are people who think one way and people who think the other way, obviously. It has never been adjudicated so the legal issue is not clear. I brought it up at the BCI and said let's talk about the issue of defining a little more clearly what we mean by the practice of interpreting. That has been postponed as a discussion, as I say it did not occur on the 23<sup>rd</sup>, I'm not sure that I would look for it until the October meeting. So, I can't any give you any advice about what the BCI thinks about that issue at this time, they simply have not discussed that issue.

Dr. Guillory – Let me throw this out for discussion because I think Sandy and I were at the meeting where that issue came up, and somebody gave the example of you have a child at the doctor's office, your child is deaf – you're a hearing parent – and you are interpreting for your child in that situation – is that okay your the parent. And people threw out things like if I have a four-five year old, you're going to explain what the doctor's saying anyway, even if you have a hearing child and a hearing parent, you're going to help facilitate calmness and that kind of thing with the child – but where are you going to draw the line? Is that okay to do for somebody who is six? What if they're twelve? What if they're seventeen? You can't really draw the line according to age and so, – is it between those family members, end of story and it's none of our business? Or is it a situation where the deaf thirteen year old could be harmed by the parents interpretation of – I think, didn't somebody bring that up in that situation where a mother said, "I have a deaf child - - "

Ms. Drummond – I think there was some confusion too about the definition of interpreting, during that meeting there was some concern that a mother simply communicating with her child was interpreting, and that's not true, but interpreting for a doctor's appointment where the doctor is talking to the child – if you have a four year old that's probably really not going to happen. Some doctors are better at talking directly to the child patient than others but most of the time they're talking to the parent and the parent is responsible for filling them in. So you're right, at what age does the communication really happen between the doctor and the patient, and is that really any of our business? And I have concerns about it because I have parents who are deaf and I interpret for my parents. I'm also responsible for their care when they become elderly I'm the one that takes care of them, I'm the one that's going to be making their decisions, I'm the one – just like you all will do for your parents. You all speak to your parents in English I speak to mine in ASL, I would also interpret instructions from the doctor or whatever, you would do that also for your parents, if your parents spoke English – they spoke English – you have to do that little intermediation for your parents even though they speak the same language. It's all about taking care of your family, and so where are the boundaries? I think that gets really sticky because I have a sister who is not certified and licensed, and yet I would trust her to interpret anything – and yet I know other families where their children barely know any sign language. But that is their parent, that is their child – where do we have the right to step in and say you can't do that? I don't know.

Ms. Durham – I don't know because for an eleven year old to go in with their mom that's got a doctor's appointment for the mom, and that daughter to be the interpreter for the mother, I think is just totally wrong.

Ms. Drummond – I agree, I don't think the doctor should allow it.

Ms. Durham – Right, but until the doctors are willing, that's going to continue to happen.

Ms. Drummond – So are there situations where it's okay and situations where it is not okay? Is it not okay all the time?

Dr. Guillory – And you can't say that...alright, let's take this scenario that you have where you have a hearing child interpreting for a deaf parent and you're eleven. That's clearly inappropriate. But what if they're of legal age, they're eighteen, their signing skills may not be that good, you don't know.

Ms. Durham – And the doctor tells the mom that she's got breast cancer and is going to have a mastectomy.

Dr. Guillory – you can imagine 100 different situations, we could never cover them all, and I think we will beat ourselves to death trying to cover them all.

Amy Fowler – I think one of the other situations that was discussed in the meeting is that Dr Miller went to the hospital, and he didn't want anyone else with him except his wife, his wife knows sign language, can she interpret for him in that situation, because – whatever the touchy situation may be – can his wife interpret for him if they're both consenting adults and they don't want an interpreter present, would she be interpreting illegally for that particular situation.

Ms. Durham – Well the only time that a complaint would come is if the doctor complained and said, 'I don't think she told him everything, I'm complaining that this interpreter did not do her job.' And what are the chances that's going to happen?

Amy Fowler – Well, I just heard last night .....(*too much noise/interference here to hear what is being said*) another person that is not certified and licensed (??) hospital and they might use – they weren't getting fees for their services because he brought in his wife and not an interpreter.

Ms. Drummond – I have another example too, and this may not apply but my mother is deaf and she is blind. So interpreting for her consists of tactile sign language, speaking really loudly in her ear and sometimes standing under a very bright light, and nobody with a license is going to be able to interpret for her except for members of my family, and yet – I know that tactile interpreting, we haven't really licensed that yet but there's a day we might so that's something to consider. What about elderly people that have their own home sign language? Their kids know it, nobody else knows it – and again, their children are responsible for their care, they're responsible for making decisions about their surgery or where they're going to live or – so there's a lot of situations where I can see this really getting involved in people's very intimate, very personal....but I've also seen people taken advantage of by hearing children, hearing spouses – what recourse do you have when your wife misinterprets things so she can steal away all your property?

Ms. McEnulty – I also know hearing children of deaf parents – at a young age like 20 or something – interpreting, and the message was so horrible like the parent had cancer or something like you were alluding to earlier, and they didn't tell them and they died within 3 days or something and they never even knew – so that's another area and it's very sensitive, it's very intimate, it's very....but what are you going to do with all of that?

Ms. Drummond – Hearing people make that decision, too

Dr. Guillory – I see people every day who can not hear well enough to communicate with health care workers who are 80-90 years old. Okay, their adult children often do not communicate with them what they just heard in the doctor's office – that's the adult child's decision ....

Ms. Durham – but the doctor is legally required to provide an interpreter and they think that the daughter is interpreting, so the doctor thinks that that information has gotten to them, when they're using a sign language interpreter.

Dr. Guillory – But you could say the same thing if there's somebody 90 years old who is practically deaf and doesn't use a sign language interpreter, and the doctor tells the adult child details about the medical

condition, and the adult child says I will explain this to Mom when we get home, or Dad, or whatever, but then they don't. The physician assumes that the information got to the patient, but it didn't.

Kandice Allee – I'm a certified licensed interpreter, I would feel comfortable, let's say for example, I'm interpreting for Sandy's parents. She goes with her parents – obviously – I mean this is just something that throughout the evening, I'm interpreting – the doctor has the right to have a certified interpreter to protect themselves and the hospital – and if I'm misunderstanding something I would love for Sandy to say, you know "that's not what they said" – now personally I would not consider that interpreting, I would consider that clarifying communication.

Ms. Durham - But that's if you're there?

Kandice Allee – But I'm saying a certified interpreter should always be there, because that's also protecting the doctor. I agree that deaf people have the right to privacy, absolutely, but doctors and hospitals, I mean they have the right to protect themselves and say, "this could come back and bite me. And I need to protect myself." The other thing about if you had a hearing parent with a child, regardless of age, what if that child is being abused? That child does not have the opportunity when they're using that parent to interpret – I know we use a lot of analogies of having deaf children interpreting for hearing parents, but when you flip it around that deaf child has the right to be alone with the doctor and have a real interpreter instead of a parent.

Mr. Adams – I just wanted to get back to the point that was made by Dr Miller, going to the hospital and only wanting his wife to interpret for him, well most hospitals – I don't know about the whole state, I know in St Louis – they call an interpreter, period. If this person doesn't hear – not deaf – they just don't hear – they call a sign language interpreter, because I've been to assignments where it's a 90 year old person who's just lost their hearing, but they've never learned to sign. And I show up and I start flapping my hands in their face and they look at me like I'm an idiot – and they've got their son there that will scream at them and tell them what they're missing, but I've also gone to assignments where they've had a family member there and it's been a delicate situation, they don't want an interpreter in the room, but the hospital has me there for their protection.

Dr. Guillory – Well, who wins in that situation? Who wins the argument? Does the hospital insist that the interpreter stay even when the family says I don't want you in the room?

Mr. Adams – The hospital will insist that I stay and the family will give in.

Ms. Durham – But unfortunately not all of the hospitals are that adamant about it, there are a couple I know – because I've been there – but not all of them are. I've got some doctor's offices that are like that and I've come in and the parent's are like, "we don't need you" and the doctor said, "I need the interpreter".

Ms. Drummond – In that case the consumer has a choice, the consumer can say "I don't want an interpreter with me in my doctor's appointments, I prefer to write notes." The doctor doesn't feel comfortable doing that, wants an interpreter, the consumer can say, "Okay, I'll go to another doctor." And they can find another doctor that they have good communication with, good rapport with. Emergency situations you don't have that choice but there's a lot of choices that get taken away from you when you have an emergency but there are many deaf who go to the doctors without interpreters who prefer to write notes and take those notes home and you know...

Dr Miller – I can complicate a complicated issue even further. I think most of us have common sense about what happens when a parent and a child are involved, that's not really a big issue for most of us. But somebody says well wait a minute, you cut your cousin's hair last week for free, do you have to have a barber's license? It's not the immediate family, parent-child, it's a cousin or a second cousin – the question of what's the family isn't all how big are these boundaries is there. Even worse, I happen to be a dog-lover and I've had lots of dogs during my life, I take a hunting dog out, the dog steps in a trap that some trapper has left out there, I pull the trap off and discover the dog has a broken leg. I set the dog's leg, the dog heals, whatever. Do I have to have a license as a veterinarian to set my dog's leg? This is really a very very convoluted and complicated area – I want to make another suggestion – I suggested

that you talk to the AG about the church issue, I don't think that's appropriate here. But I do think I would like to see using staff to do a systematic search of all the statutes involving all the professions, and pull out the information that only deals with the family, ie., exemption under what circumstances, etc. and then we can continue the dialogue in an educated fashion knowing what's done with the other 50 or so licensed professions in the state. I think it might help us a little bit.

Ms. Drummond - I think that's a great idea. Pam is that something you or Roxy will have time to do or would you like to see one of the committee members take on a project or several of us take on a project?

Ms. Groose – We should be able to do that.

Ms. Drummond – Is that something we could bring to the next meeting?

Ms. Groose – Do you want all professions?

Ms. McEnulty – If that's possible.

Dr. Guillory – I want to ask a question unrelated to family member, but I think that I may not be clear on this and this is important to me because I can sign. If a deaf consumer goes to any institution, as an example, a deaf consumer has an appointment for their child with audiology and the hospital calls an interpreter and an interpreter is there. Through the course of conversing and everything, after spending an hour with this family, the family now realizes that I can sign. I know that it's my legal responsibility to provide an interpreter for that family or the hospital's responsibility. If the family says to me, "we don't need an interpreter next time we come back for the follow-up visit, because you sign just fine and we understand what's going on." I'm kind of shaky with that – it hasn't happened yet but I can see it happening with one particular family. Then when they come back I assume everything goes fine. Let's say they leave and then for some reason they turn around and say, "You didn't communicate that effectively to me" then I would be liable for that, is that right? So that even if a consumer says to me "I don't want an interpreter" – because when you say the deaf person has the choice, if that person chooses not to have an interpreter there, should we still have one there even after they've said no?

Ms. Drummond – That's something that you need to decide. You may think it's in your best interest to have an interpreter there even though the deaf person said I don't want interpreters, I prefer to write notes or I prefer to sign with you directly – you may say, well I don't I'd rather have an interpreter – and they can choose whether or not they want to continue using you as their physician.

Dr. Guillory – I feel perfectly comfortable talking to deaf parents about their child's middle ear infection, but I want to know if they can make that choice – not to have an interpreter there.

Ms. Drummond – I don't know of any reason why they couldn't make that choice

Ms. Durham – But you two can make that choice...  
(too many voices talking at once)

Dr. Guillory – That's my question. I don't feel like I'm at risk, but after I think about it, my gosh, am I at risk? Because let's say for some reason they go home and they misunderstand something and they come back at me and say, you didn't convey that properly.

Ms. McEnulty – That's when they should ask for clarification because that would be like me going to you and you just tell me about my middle ear infection, whether I understand it or not it's my choice to ask you for clarification. So the deaf person comes in – you sign very well and very fluently – and they're comfortable, and so they don't understand something they need to ask – it would be just like you were working with me or anybody, because you're able to sign and you can communicate with them on a one-to-one basis, without using that interpreter.

Dr. Guillory – I think my question is can the deaf person adequately make that decision based on casual signing for a few minutes in an office?



in, because that's what part of our reasoning was to increase the economic revenues in the state, you could allow that to happen by ignoring it...

Ms. McEnulty – That comes back to that interpreter taking my job away from me – you know?

Ms. Goose – Yeah, well you're the one that always brings that up. (everyone laughs)

Ms. Durham – Yeah, and I'm a licensed interpreter and I know they don't have a license and they're in my state interpreting. Here, I'm filing a complaint.

Ms. McEnulty - ...I worked hard to get my certification and my license to work and earn that money and it's my livelihood and they're going to come in and just.....you're right, I do always bring it up.... They're just going to come in and work.. we're not going to do anything about it? You don't have any process for complaint there's no license to discipline, there's nothing. I don't feel that's fair.

Ms. Durham - Especially since we lowered that temporary license fee.

Ms. Goose – No, we did issue several from that convention in Kansas City.

Ms. McEnulty – I do support the fact that like RID might bring in interpreters for a big convention here or something like that, I mean I support it but on the other hand there has to be some kind of responsibility for that interpreter....

Ms. Durham – ...because if we're exempting them...

Ms. McEnulty - ...the responsibility that I have to maintain to work in this state.

Ms. Goose – Right, and if you exempt them you don't have any recourse on them anyway.

Ms. Drummond – We also decided that we would only exempt those organizations that had a grievance process and I don't know that that's clearly stated in here – oh yeah here it is, defined by rule which certifications and licenses are deemed acceptable. And so that's where we had decided that by rule we would say, we only allow like NAD, RID, that has a grievance process. So that even though we can't control their behavior while they are here we can file a complaint with their certifying agency.

Ms. McEnulty – So we could add that piece that you just mentioned...

Ms. Drummond – ...It's already in there it's the last sentence...

Ms. Drummond – We voted on this and asked for it to be filed last summer or last fall but it wasn't because the AG or attorney's that looked at it in the division and decided this was already covered in the exemption statute that said you don't have to be licensed or you're not interpreting if it's gratuitous, if it's incidental to travels and in a casual setting. So they wanted us to respond to that and our response was it's not incidental to travel, the travel is incidental to the interpreting, they're coming here for the purpose of a business meeting or a workshop or a conference, and that it's not a casual setting – we're not talking about when they're helping somebody order food at McDonald's or the restaurant or something like that

Ms. Goose – But I will say this, if you recall, this was submitted very late, much after the deadline, so when it was given to them, we recognized it's late – however we still would like for it to be considered, based on the way some of the other stuff was going, I'm sure that they didn't give a lot of time to it like they will if you take that and submit it by the July 15 deadline, when they want it, you know? Then it will be different.

Ms. Drummond – So that's really the only thing that we need to do now?

Ms. Goose – Yeah, I think we just need to resubmit it again.



Ms. McEnulty – Don't we need to define... I thought you had mentioned something about defining conventions, conference, meeting, professional group or educational field group?

Ms. Goose – That was just some of their comments that they thought...I mean...that it would be that that may be all the things and it may not be and it's in statute and...

Dr. Guillory – Well when you resubmit it do we want to reply to that 1<sup>st</sup> request, will it go with it, will they look at it together?

Ms. Goose – No, I'm just going to submit it again and see what happens.

Ms. McEnulty -- Who's going to regulate the seven days?

Ms. Goose – Who's going to regulate whether they have a license or not? No exemption....other professions don't regulate that.

Ms. McEnulty – The specific time limit you mean? Okay.

Ms. Goose – The only time that comes into play is if there is a complaint and then you deal with it. But as far as every time they come in to work are they going to register with you so that it's being monitored, so that the next time they come in we say, "oh too bad you're a half a day over" – you know?

Mr. Adams – This system is kind of based on a code of ethics and if they're going to ignore that one and say, "well I've been here for 5 weeks now but, shhh, I haven't told anyone" – what other rules are they going to break? "Well, that was easy enough - If they're not watching me do that, who's watching me do the other stuff." I believe you said last night, the market is going to take care of them. And those kind of people the market is going to find those people – you know, "Sally is always 20 minutes late to an assignment and leaving 10 minutes early" and you know the market is going to take care of those kind of interpreters.

Ms. McEnulty – Right, so let's say there is a complaint filed from – me....but because they are exempt there is nothing that can happen – oh, except for we're going to....okay... I just have to get it clear in my mind...

Ms. Drummond – ....Then they're considered an unlicensed interpreter and you follow the same process. But we could also file a complaint with their certifying agency too.

Ms. Durham – So do we need to vote on resubmitting it?

Ms. Goose – Yes.

A motion was made by Mr. Adams and seconded by Ms. Drummond to resubmit this exemption for the visiting interpreters. All voted in favor.

Ms. Goose – I do know that last sentence where it does say that you will define by rule which certification and licenses are deemed acceptable by the committee – that's a little different in the wording in the other one, it is those that are accepted by the committee – this you would have to file the rule and if that would change then you would have to file a rule again, do you see this as the same or different?

Ms. Hamilton – No, the student exemption language is different from this language, as you said, but you have other statutes that say defined by rule that have never been given a rule, that's problematic sometimes -- I'm not suggesting you do it again but I'm just saying it's there.

Ms. Drummond – I really want rules that clearly define which ones are acceptable and which ones are not.

Ms. Goose – On this one. The other one you don't but this one you do.

Ms. Drummond – I don't know which other one you're talking about.

Ms. Goose – The ITP programs.

Ms. Drummond – Oh, as far as the defining by rule which accrediting agencies we want to identify? I think we should do that, I think we should define by rule – I mean it's not going to change for 15 years, but it will be there.

Ms. Hamilton – On the student exemption language? You want to define by rule the ITP program....

Ms. Drummond – Oh I'm sorry, no, we said we didn't have to define it by rule but we could do it by policy, and that's fine – so you're asking whether it should be by rule or policy? I don't care if it's a rule or policy.

Ms. Goose – If you look at the words this one starts out similar words as the other, "certification system which is deemed acceptable by the committee" accept by the committee was the other words, but it ends by saying, "the committee will define by rule which certification and licenses are deemed acceptable by the committee." So....you can take that last sentence off and you still say up above "which is deemed acceptable by the committee".

Ms. Drummond – Oh, that's fine with me.

Ms. McNulty – But we still have to do a rule for conventions, so there's two rules that need to be written in there...a rule for a convention meeting....

Ms. Durham – Because it says the committee will define by rule what qualifies as a convention, conference meeting, professional group or educational field trip for the purposes of this statute.

Ms. Hamilton – This one was before my time so I'm not sure when you guys were going through the deliberative process if you wanted to enact a rule that would set forth all of that stuff, or if you...

Ms. Drummond – I think there was advice that we say that in there, say "defined by rule" because there was so much discussion over which setting should be exempted, which should not. And so our idea was to provide an exemption for, for instance, a staff interpreter traveling with the person who works for Sprint that sells TTY's or represents the relay service is coming to give a one day presentation, that interpreter probably certified or licensed in another state or by a national organization, they're coming here to interpret for their own employer and their the best person for the job, there's no reason for us to say they can't do it. So why not just give an exemption to that person? But we don't want that person, while they're here, to run around interpreting at the hospital or whatever – you know, do their job and then they can go ahead and go home, and not steal Kim's work! So that's what we're looking at so how do we define what all those settings are – well, "meeting" what's a meeting? Is it 1 people, 5 people, 10 people is it a workshop, you know that kind of thing – and so I think the discussion got very lengthy and so the suggestion was let's just put in a few things and then define it by rule later.

Ms. Hamilton – Well ideally in a statute they should have to look at the statute and then flip in your book and find the rule that sets forth that stuff – if it's not there, it's not like it's...

Ms. Drummond – We could write a rule it's just that – what would it say? Conference, meeting, workshop....I don't know - do you see any ambiguity with the terms that are in there already? Convention, conference meeting, professional group....

Ms. Hamilton – There's always going to be ambiguities. Somebody's going to claim it's an educational field trip, and you say no you went to Worlds of Fun and that's not educational, there's always going to be ambiguities in the use of terms like that.

Dr. Guillory – But because of that you can't really define it by rule.

Ms. Hamilton – Exactly.

Ms. Durham – So would it be better just to remove that sentence?

Ms. Hamilton – I just think it's excessive the "as defined by rule" only because like you said, you've got other statutes where it's never been done -- so it's likely maybe this would not get done as well, so....

Ms. Durham – So do we have to retract the motion that we just....

Ms. Drummond – I'd be glad to withdraw that motion – I think I made that motion didn't I? No I remember, I seconded it..

Mr. Adams – I withdraw my motion and make a new motion to proceed with this visiting interpreter language exemption as amended.

Ms. Drummond – And I'll second that motion.

Ms. Durham – All those in favor?

Mr. Adams, Ms. Drummond, Ms. McEnulty, and Dr. Guillory all approved.

Ms. McEnulty – I just have one more question – then are we still going to have a policy, though, on which certification licenses are going to be deemed acceptable by us?

*Other board members indicate -- yes*

Ms. Durham – And it says that up at the top, "which is deemed acceptable by the committee", but it won't be a rule.

Ms. Hamilton – I can't say for sure...there may come a time years down the road when someone's going to challenge this that you can't enforce it because it's not codified, it's not in the rule, it's not in the statute, whatever, I don't think that's something for the Board to be concerned about right now but you probably have 3-4 different statutes right now where it's deemed acceptable by the committee – there may come a time when someone says no, the committee needs to set forth. What it is that it is acceptable to that.

Ms. Durham –These are things that we definitely will....we're going to definitely...those ones that we talked about today...we'll have lists of what is acceptable.

Ms. Hamilton – I mean there may come a time – sometime down the road when they challenge it.....it needs to be codified at some point.

Mr. Adams – Well when you mention years – we'll all be gone by then.

### **Next Meetings**

Wednesday, October 22, 2003, conference call, 3-5:00pm

Wednesday, December 17, 2003, 10-4pm

Ms. Fowler indicated she would need a bio from whoever will be presenting with her during the workshop at the MCDHH Annual Conference. Ms. Durham said she would present with Ms. Fowler.

A motion was made by Mr. Adams and seconded by Ms. Drummond to go into closed for #1, #2, #9 at 3:22pm. Ms. Drummond, Mr. Adams and Dr. Guillory all approved. Ms. McEnulty was not present.

A motion was made by Mr. Adams and seconded by Ms. Drummond to amend the previous motion to add number #5. Ms. Drummond, Mr. Adams and Dr. Guillory all approved. Ms. McEnulty was not present

A motion was made by Mr. Adams and seconded by Ms. McEnulty to adjourn. All approved.

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Executive Director signature

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Date approved by committee